IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Crl.Rev.Pet.No. 402 of 2000()

CRA.40/1993 of SESSIONS COURT, MANJERI
CC.894/1989 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, MANJERI .
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REVN. PETITIONERS/APPELLANTS/ ACCUSED
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1. KOTTEPARAMBAN, ABOOBACKER,
S/O. KUNHALI, KONDOTTY.

2. PALLIYALITHODIKA ALAVI,
S/O.KUNHALI, KONDOTTY.

BY ADV. SRI.ALAN PAPALI
SRI.M.P.PRABHANANDAN

RESPONDENT/ RESPONDENT/ COMPLAINANT

STATE OF KERALA, REP.BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.402 /2000

ORDER ON CRL .MP. NO.2305/2000 IN CRL.RP. 402/2000

DISMISSED

22.08.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R.UDAYABHANU, J

Crl.R.P.No.402 of 2000

Dated this the 22nd day of August, 2007

O R D E R

The revision petitioners/brothers stand convicted for the offences under Sections 332 and 355 read with Section 34 IPC and sentenced to undergo R.I. for six months each for the offence under Section 332 read with Section 34 IPC and R.I. for three months each for the offence under Section 355 read with Section 34 IPC .

2. The prosecution case is that on 29.10.1989, at about 12.15 hrs at Melangadi, the accused in furtherance of their common intention voluntarily caused hurt to CW1, a police constable by beating him with a chappel and also by kicking and fisting in order to deter him from his duty while conducting enquiry in a petition put in by one Aleema, sister of the accused.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 6 and Exts. P1 to P8.

4. The counsel for the revision petitioners has only pleaded for leniency pointing out that more than 18 years have

elapsed since the commencement of the proceedings and that so far they were facing the criminal proceedings and that the accused/ revision petitioners are poor day laborers and their families are depending only on their income.

5. In the circumstances and considering the long delay, the sentence imposed for the offence under Section 332 IPC is modified to pay a fine of Rs.5,000/- each and in default, to undergo simple imprisonment for three months and the offence under Section 355 IPC is modified to pay a fine of Rs.2,500/- each and in default, to undergo simple imprisonment for two months. The fine amounts, if realised, is to be paid to PW3, the defacto complainant.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.1144/2000

ORDER

8th August 2007